

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

#### **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

**Previous Guideline Range:** \_\_\_\_\_ to \_\_\_\_\_ months      **Amended Guideline Range:** \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
  - The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
  - Other (explain):

### III. ADDITIONAL COMMENTS

Had the 2007 retroactive Crack Cocaine Amendment been in place at the original sentencing, the guideline range for imprisonment would not have changed. It is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S.

Except as provided above, all provisions of the judgment dated 5/10/99 shall remain in effect.

## **IT IS SO ORDERED.**

Order Date: October 28, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

*Frank H. Shadley*

Lacy H. Thornburg  
United States District Judge

